

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. E. S. Miller

DATE: 5/22/74

FROM : Legal Counsel *[Signature]*

SUBJECT: CHARLES GOODELL
CHAIRMAN
COMMITTEE FOR PUBLIC JUSTICE
REQUEST TO MEET THE DIRECTOR
MAY 21, 1974

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

On May 21, 1974, at 4:00 p.m., Mr. Charles Goodell, Chairman of the Committee for Public Justice, accompanied by Norman Dorsen, Stephen Gillers, and Leon Friedman, met with the Director, Mr. Miller, Mr. Wannall, Mr. Gebhardt, Mr. Cleveland, Inspector T. J. Smith, Inspector Herington, and me.

Mr. Dorsen opened the conference by explaining that a group representing the Committee for Public Justice had met with former Acting Director Gray during June, 1972, for the purpose of discussing the policies and practices of the FBI and they desired a meeting with Director Kelley not only to provide constructive criticism of the FBI, but also to acknowledge the good work being done by the Bureau. He raised the following principal issues concerning which there was general discussion by those in attendance:

1. Political intelligence gathering and dissemination;
2. Records maintained concerning individuals including dissemination of information and the need to provide for appropriate updating or expungement of records;

62-113909

1 - Mr. Miller
1 - Mrs.
1 - Mr. Gebhardt
1 - Mr. Cleveland
1 - Mr. Wannall
1 - Mr. Franck
1 - Mr. Thompson
1 - Mr. Mintz
JAM:mfd (10)

Memo to [unclear] 6-25-74
to J. [unclear] 6-27-74
Let to Goodell
REC-49 JUL 5 1974
62-113909-94

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3. Accountability of the FBI.

Mr. Dorsen proposed the concept of a citizen panel to play a constructive role in establishing guidelines for the operation of the FBI. He said it was necessary for the Bureau to be free from political pressure and to remain objective in its investigations.

He said that other considerations that concern his Committee were wiretapping matters, the Bureau's investigations of civil rights violations, the lending of Special Agents to committees of Congress, and the preparation of statistical reports such as the Uniform Crime Reports.

The Director responded by pointing out that the FBI has a definite responsibility to discuss issues such as those raised by Mr. Dorsen. He pointed out that one of the more serious problems concerning these matters is the lack of effective communication between Government agencies and citizen groups such as the Committee for Public Justice, and he felt that meetings such as the one being held on May 21st would serve to solve that communications problem. The Director pointed out that his policy is "What is good for the nation is good for the FBI."

The Director advised that it is necessary to balance investigative techniques such as wiretaps with the invasion of individual rights. He added that he has no intention of giving away any of the investigative capabilities of the FBI, but we are always open to changes for improvement.

In regard to the political intelligence allegation, the Director said that he has not had any pressure on him from any sources to collect or disseminate political intelligence. The Director said that the FBI has no special arrangement with legislators and any improper requests that might be received from legislators would be turned down.

The Director said that as to statistical matters, these reports are given careful review and are designed to give an indication of the amount of criminal activity. They are not intended to represent complete detailed reports of crime.

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Mr. Leon Friedman raised the question concerning investigations of domestic organizations to which Mr. Miller responded by pointing out that the Bureau has a responsibility for investigation in domestic intelligence matters, and that our investigations in that regard are objective and necessary. Mr. Miller pointed out that through tight discipline, the FBI closely controls the investigations of domestic intelligence matters.

Mr. Dorsen said that they are concerned about the cumulative effect of FBI investigations on organizations. Assistant Director Gebhardt pointed out to him that it is a difficult question to determine whether it would be reasonable to begin an investigation concerning an organization that may go through several changes before it results in an organization committed to violent acts. He cited the Symbionese Liberation Army as an example of an organization that was developed from four previous organizations as the violence-prone factions broke off into splinter groups.

Mr. Gillers said that there must always be tension between perfect law enforcement and freedom from government surveillance.

Mr. Dorsen raised the issue of expunging arrest records and it was explained to him that the FBI will expunge records on request of the contributor. Mr. Dorsen said that the matter of incomplete or inaccurate records was of considerable concern and suggested that the Bureau propose a policy that would provide some solution to the expungement problem while at the same time protecting the legitimate law enforcement interest. Mr. Gillers said that if the FBI made a public statement concerning expungement matters, it would be warmly received and it would set the lead for state and local law enforcement.

Mr. Dorsen suggested that the Bureau propose standards and criteria to be used limiting the dissemination of arrest records in order to accommodate civil liberties while maintaining effective law enforcement.

The conference was concluded at 5:50 p. m.

Following the conclusion of the conference, Mr. Miller advised me that the Director had requested an appropriate study be made

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of a policy statement that might be issued by the FBI concerning reasonable limitations on the retention and use of identification records. He requested that this matter be brought to the attention of the Identification Division for study and preparation of an appropriate policy statement.

I have considered this matter and propose the following general areas for consideration by the Identification Division:

1. Identification records should not be maintained where fingerprints were based merely on suspicion and not on probable cause arrest;
2. Identification records should not be maintained where it is shown that there was a wrongful arrest due to mistaken identity;
3. It might be possible to seal first offender identification records after an appropriate period has elapsed during which there was no subsequent fingerprinting. Such sealing would limit access for purposes of licensing and employment only. The records would be fully available for investigative leads and other law enforcement purposes;
4. The real issue seems to be misuse of identification records because of incomplete or inaccurate information appearing on the face of the record. Such problems could be largely eliminated if the applicant himself were furnished a copy of the record being furnished to the prospective employer and permitted to point out inaccuracies or incomplete entries or to otherwise explain the fingerprinting indicated in the record. This could be done by modification of the applicant fingerprint card so that the individual being fingerprinted could enter his name and mailing address for purposes of being furnished a

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duplicate of the identification record when it is mailed for purposes of licensing or employment. It would not seem to be necessary to furnish him a reply indicating there was no record.

RECOMMENDATION:

That the Identification Division review the issues concerning retention of identification records and expungement of records not meeting criteria for retention and prepare a policy statement that might be made by the Director concerning means that might be used to protect individuals from the effects of incorrect records or misuse of identification records.

[Handwritten signatures and initials: JMK, EM, T/300 JM, WVC, JH, MS, and a large signature]

OK—

AD Thompson - We contemplate not to reveal an arrest where no disposition shown as set out in a recent memo + letter to AG. Pls. prepare a letter to Goodell + his group, to be received about 7-1-74 to tell them of this. Also that we are considering other procedures - We need friends.
K